

James Alan Bush
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Plaintiff in pro per

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FILED
MAY 6 2008

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

James Alan Bush,

Plaintiff,

v.

United States Attorney General,
Department of Justice, Federal
Bureau of Investigation, and
DOE AGENT ONE to DOE AGENT TEN,
inclusive,

Defendants.

Case No.: C 08-00539 (RS) JF

MOTION FOR SUMMARY JUDGMENT PER
FED. R. CIV. P. 56(A) FOR PETITION
FOR WRIT OF MANDAMUS AGAINST THE
FEDERAL BUREAU OF INVESTIGATION

Judge Jeremy Fogel

RELIEF SOUGHT

James Alan Bush, plaintiff, moves this court for summary judgment against Federal Bureau of Investigation, defendant and prays that this court render a judgment for the plaintiff for all of the relief set forth in plaintiff's Petition for Writ of Mandamus to Compel the Federal

1 Bureau of Investigation to Perform Their Duty under Title 28 U.S.C.S.
2 § 1361.
3

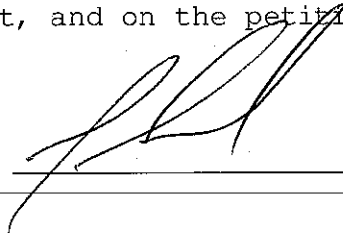
4 **GROUND FOR RELIEF**

5 The plaintiff is entitled to summary judgment because, as is more
6 fully shown in the petition, there is no genuine issue of material fact
7 that needs to be tried in this action; and, there are no affirmative
8 defenses available to the defendants:

- 9 1. The petition sufficiently establishes that agents of the Federal
10 Bureau of Investigation have a clear and present legal duty (i.e.,
11 nondiscretionary ministerial and statutory requirement) under Title
12 28 U.S.C.S. § 535(b) to report any information, allegation, and
13 complaint relating to violations of federal criminal law involving
14 Government officers and employees to the United States Attorney
15 General.
- 16 2. The Federal Bureau of Investigation has refused, and continues to
17 refuse, to document Plaintiff's complaint.
- 18 3. Plaintiff continues to suffer and incur damages as a result of the
19 deprivation of his civil rights by law enforcement officials acting
20 under color of state law.
- 21 4. Unless the Federal Bureau of Investigation is compelled to perform
22 their duty, Plaintiff is likely to sustain further irreparable harm,
23 including death.
24
25
26

RECORD ON MOTION

This motion is based on this document, the proof of service of this document, and on the petition on file in this action.

Signed:  _____

Dated: 5-6-08